

U.S. Serial No. 10/652,345  
Reply to Office Action of: 03/31/2005  
Family Number: P2002J077 US2

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### REMARKS

Applicant has rewritten claim 1 as new claim 15. Claim 15 contains the limitations of original claims 1, 3, 5, 7 and 8, each of which are cancelled.

Claims 2, 4, 6, 9 and 10 were amended to change their dependency which was necessitated by claim cancellations.

The Examiner provisionally rejected claims 1-14 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1, 2, 4-6 and 9-13 of copending Application incorrectly identified as No. 10/652,345 but presumed to be No. 10/266,342. Applicant has enclosed a copy of an express abandonment of application No. 10/266,342 thereby obviating the provisional double patenting rejection.

The Examiner has rejected claims 1-13 under 35 USC 103(a) as unpatentable over Xiao in view of Carroll and Chester. Applicant respectfully requests the Examiner to reconsider and withdraw that rejection.

As noted by the Examiner, Xiao does not disclose a dewaxing process using a catalyst that has a one dimensional pore structure. Nor does Xiao disclose a step of regenerating the dewaxing catalyst. Applicant would add to those deficiencies that Xiao does not disclose or suggest a cyclic dewaxing catalyst regeneration process. Nor does Xiao, in applicant's view, disclose catalytic dewaxing in the substantial absence of added hydrogen.

Concerning the latter, applicant points to the paragraph bridging column 8 and 9 of Xiao where the addition of hydrogen may be omitted from the dewaxing step when the entire effluent from the hydrotreating step is dewaxed. In this instance, of course, considerable hydrogen is present. Applicant's amendment clearly limits his process to dewaxing a feed that does not contain a gaseous component by virtue of the recited boiling range.

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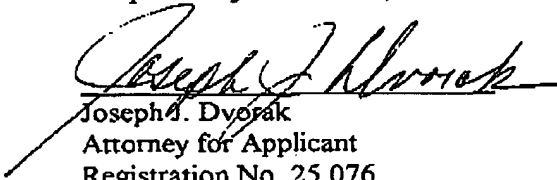
Carroll is cited for disclosing a dewaxing process using a ZSM-48 catalyst. It should be noted, however, that Carroll clearly teaches conducting the dewaxing "...in the presence of hydrogen..." (column 13, lines 23-28). Like Xiao, Carroll also fails to disclose a cyclic dewaxing-catalyst regeneration process in which dewaxing is conducted in the absence of added hydrogen.

Chester is cited for disclosing a process for regenerating a dewaxing catalyst. In the process disclosed by Chester, however, two different feeds are used in his parallel reactors and a different catalyst is used in each reactor. Thus Chester does not disclose or suggest conducting a cyclic dewaxing-catalyst regeneration process using a single source feed and a single catalyst type as is set forth in applicant's claims.

Additionally, applicant submits that if one were to use the ZSM-48 catalyst of Carroll in the processes of Xiao and Chester one would do so with added hydrogen because Carroll clearly teaches using added hydrogen.

In view of the foregoing, applicant respectfully contends that the combined references fail to render applicant's claimed process obvious.

Respectfully submitted,

  
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☒ Pursuant to 37 CFR 1.34(a)

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